

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PHILLIPS 66 CO.,

Plaintiff,

v.

No. 13-cv-0312 SMV/GBW

RITCHIE DISTRIB. CO., et al.,

Defendants.

ORDER QUASHING ORDER TO SHOW CAUSE

THIS MATTER is before the Court on Plaintiff Phillips 66 Company's Response to the Court's Order to Show Cause [Doc. 11], filed on September 12, 2013. The Court will quash its Order to Show Cause [Doc. 10] ("OTSC").

On April 2, 2013, Plaintiff filed its Complaint [Doc. 1]. On April 5, 2013, all Defendants were served with summonses. *See generally* [Docs. 7, 8, and 9]. Defendants had 21 days to file their answer(s) to the Complaint. Fed. R. Civ. P. 12(a)(1)(A)(i). As of August 29, 2013, no Defendant had filed any responsive pleading, and Plaintiff had taken no action on the record to proceed with its claims against Defendants. Pursuant to D.N.M.LR-Civ. 41.1, the Court ordered Plaintiff to show cause why the case should not be dismissed for lack of prosecution. [Doc. 10]. Plaintiff timely responded and explained that it had agreed to several extensions of time for Defendants to answer¹ and that the parties had engaged in settlement negotiations, which have not yet been successful. [Doc. 11].

¹ Neither Plaintiff nor Defendants filed anything of record indicating that they had agreed to such extensions.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Court's Order to Show Cause [Doc. 10] is QUASHED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is positioned above a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge